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Bartholomeus Johannes Van Rijnsoever

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

WYSZYNSKI, AUBREY H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/023,159	Applicant(s) VAN RIJNSOEVER, BARTHOLOMEUS JOHANNES	
	Examiner AUBREY H. WYSZYNSKI	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16,17,19-26 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,17,19-26 and 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response of 11/26/07 was received and considered.
2. Claims 1-15, 18 and 27 are canceled.
3. Claims 16-17, 19-26 and 28-35 are pending.

Response to Arguments

4. Applicant's arguments with respect to claims 16, 24 and 33 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant argues Jones does not teach or disclose "a set of localizing data that facilitates distinguishing locations of frame header information and frame data of each frame within the stream". However, Jones discloses a hint track in col. 10, lines 35-49 and figs. 4 and 5. Jones also discloses, col. 7, lines 50-67, "Typically, a server computer system coupled to a network will create the set of data, which may be referred to as a *hint track* and will store this *hint track* in a storage device which is coupled to the server computer system. When a client computer system requests a presentation (e.g. a viewing or listening or viewing and listening) of a media data file, the server system uses the *hint track* to determine how to packetize the media data for transmission to the client computer system. It will be appreciated that the present invention is generally applicable to time related sequences of media data, and that QuickTime is represented herein as one example of this general applicability." Jones further discloses in col. 9, lines 28-40; "Hint tracks contain instructions for a streaming server (or other digital processing system) which assist in the formation of packets. These instructions may

contain immediate data for the server to send (e.g. header information) or reference segments of the media data. In one embodiment of the present invention, instructions are encoded in the QuickTime file in the same way that editing or presentation information is encoded in a QuickTime file for local playback. Instead of editing or presentation information, information may be provided which may allow a server to packetize the media data in a manner suitable for streaming using a specific network transport.”

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 24-26 and 28-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 24, line 2, “a first buffer that is configured to receive a plurality of frames”, the examiner cannot find a description in the specification for a “buffer”. Regarding claims 24 and 33, the examiner cannot find support in the specification for “a processor”.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-26 and 28-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. One of ordinary skill in the art could reasonably interpret claims 24-26 and 28-32 to be entirely implemented in software. Therefore, claims 24-26 and 28-32 are directed to non-statutory subject matter because they are not tangibly embodied.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 16-17, 19-26 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., US 6,744,763 and further in view of Viavant et al, US 5,784,566.

Regarding claim 16, Jones discloses a method comprising: processing a plurality of frames (fig. 4, video frames), to provide a stream of packets that includes the plurality of frames and a set of localizing data/hint track atom (col. 2, lines 17-20, and col. 22, line

58-col. 23, line 18), that facilitates distinguishing locations of frame header information and frame data of each frame within the stream of packets, wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets, and including one or more of the set of localizing data in one or more packets of the stream of packets (fig. 4, & col. 10, lines 35-49).

Jones lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. However, Vivant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11, lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Jones with the method of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

Regarding claim 17, Jones further discloses the method of claim 16, including distinguishing the location of frame data in each frame, based on the localizing data, encrypting the frame data of each frame to provide encrypted frame data, and providing the encrypted frame data as the frame data of each frame within the stream, and providing a second stream of data that includes the frame header information and the encrypted frame data of each frame and localizing data that facilitates distinguishing locations of the frame header information and the encrypted frame data within the stream (col. 12, lines 53-63 & col. 25, lines 10-15).

Regarding claim 18, Jones further discloses the method of claim 16, wherein the localizing data facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 12, lines 53-63).

Regarding claim 19, Jones further discloses the method of claim 16, wherein the one or more of the localizing data is included in header information of the one or more packets (col. 22, line 58).

Regarding claim 20, Jones further discloses the method of claim 16, wherein the stream of packets corresponds to a stream of RTP-packets (col. 12, lines 64-67).

Regarding claim 21, Jones further discloses the method of claim 16, wherein each packet of the stream of packets includes at least one of: a partial frame, and one or more full frames (col. 10, lines 44-49).

Regarding claim 22, Jones further discloses the method of claim 16, wherein the one or more of the localizing data is included in hint tracks of the stream of packets (col. 12, line 64-67). Also, it is inherent that hint tracks are needed to play streaming QuickTime files.

Regarding claim 23, Jones further discloses the method of claim 16, including transmitting the stream of packets to a remote system (col. 9, lines 16-27).

Regarding claim 24, Jones discloses the system comprising: a first buffer that is configured to receive a plurality of frames, a processor that is configured to process the plurality of frames to: create a stream of packets that includes the plurality of frames (fig. 4, video frames), and a set of localizing data/hint track atom (col. 2, lines 17-20, and col. 22, line 58-col. 23, line 18), that facilitates distinguishing locations of frame header information and frame data of each frame within the stream, wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets, and include one or more of the set of localizing data in one or more packets of the stream of packets (fig. 4, & col. 10, lines 35-49).

Jones lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. However, Vivant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11, lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jones with the system of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

Regarding claim 25, Jones further discloses the system of claim 24, including an encryption module that is configured to: distinguishing the location of frame data in each frame, based on the localizing data, encrypt the frame data of each frame to provide encrypted frame data, and provide a second stream of packets that includes the frame header information and the encrypted frame data of each frame and localizing data that facilitates distinguishing locations of the frame header information and the encrypted frame data within the stream (col. 12, lines 53-63 & col. 25, lines 10-15).

Regarding claim 26, Jones further discloses the system of claim 25, wherein the encryption module is configured to transmit the second stream of packets to a remote system (col. 9, lines 16-27).

Regarding claim 27, Jones further discloses the system of claim 24, wherein the localizing data facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 12, lines 53-63).

Regarding claim 28, Jones further discloses the system of claim 24, wherein the one or more of the localizing data is included in header information of the one or more packets (col. 22, line 58).

Regarding claim 29, Jones further discloses the system of claim 24, wherein the stream of packets corresponds to a stream of RTP-packets (col. 12, lines 64-67).

Regarding claim 30, Jones further discloses the system of claim 24, wherein each packet of the stream of packets includes at least one of: a partial frame, and one or more full frames (col. 10, lines 44-49).

Regarding claim 31, Jones further discloses the system of claim 24, wherein the one or more of the localizing data is included in hint tracks of the stream of packets (col. 12, line 64-67).

Regarding claim 32, Jones further discloses the system of claim 24, including a transmitting module that is configured to transmit the stream of packets to a remote system (col. 9, lines 16-27).

Regarding claim 33, Jones discloses a system including a receiver (fig. 11) that is configured to receive a stream of packets, and a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data/hint track atom (col. 2, lines 17-20, and col. 22, line 58-col. 23, line 18), that is included within the stream of packets (col. 12, line 64-67), wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. Jones lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets.

However, Viavant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11, lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jones with the system of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

11. Claims 16, 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu, U.S. Patent No. 6,357,028 above, and further in view of Viavant.

Regarding claims 16, 24, Zhu discloses a method comprising: processing a plurality of frames to provide a stream of packets that includes the plurality of frames and a set of localizing data/RTP header (fig. 6, #505), that facilitates distinguishing locations of frame header/payload header (fig. 6, #510), information and frame data/payload (fig. 6, #515) of each frame within the stream of packets wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets, and including one or more of the set of localizing data in one or more packets of the stream of packets (col. 6, lines 25-42).

Zhu lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. However, Viavant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11,

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lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Zhu with the method of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

Regarding claim 33, Zhu discloses a receiver that is configured to receive a stream of packets (fig. 7, #205), and a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data that is included within the stream of packets (fig. 7, #220-225) wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets.

Zhu lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. However, Vivant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11, lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Zhu with the method of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

12. Claims 16, 24, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al, U.S. Patent No. 7,010,032 and further in view of Viavant et al, US 5,784,566.

Regarding claims 16, 24, Kikuchi discloses a method comprising: processing a plurality of frames to provide a stream of packets that includes the plurality of frames and a set of localizing data/SSRC and CSRC identifiers (fig.5), that facilitates distinguishing locations of frame header/sync layer packet header (fig.5), information and frame data/payload (fig. 5) of each frame within the stream of packets, wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets, and including one or more of the set of localizing data in one or more packets of the stream of packets (fig. 6). Kikuchi lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. However, Viavant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11, lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kikuchi with the method of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

Regarding claim 33, Kikuchi discloses a receiver that is configured to receive a stream of packets/RTP receiver (fig. 7, #102), and a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data that is included within the stream of packets (fig. 7, #104) wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets.

Kikuchi lacks or does not expressly disclose wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets. However, Viavant discloses wherein the set of localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 11, lines 1-24 and fig. 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kikuchi with the method of Vivant to distinguish encrypted and non-encrypted data in order to accommodate expanded packet lengths as taught by Vivant (col. 11, lines 1-24 and fig. 11).

13. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Viavant as applied to claim 33 above, and further in view of Baker, USPN 6,449,719.

Regarding claim 34, Jones discloses the system of claim 33. However, Jones lacks a decryptor to decrypting the frame data. However, Baker discloses a decryptor that is

configured to: extract the frame data from the stream of packets, based on the localizing data, and decrypt the frame data to provide decrypted frame data (fig. 1, #160 & col. 2, lines 26-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Jones with the device of Baker include a decryptor in order to decrypt the stream, as taught by Baker (col. 2, lines 29-30).

Regarding claim 35, Jones as modified by Baker disclose the system of claim 34, including a processor that is configured to process the frame header information (fig. 7, #652) and decrypted frame data to provide content information to a user application (Baker, col. 2, lines 26-34).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUBREY H. WYSZYNSKI whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aubrey H Wyszynski/
Examiner, Art Unit 2134

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2134